
North Coast Regional Water Quality Control Board

September 16, 2022

Overland Road, LLC
1650 Central Avenue
McKinleyville, CA 95519
robin@greenroadconsulting.com

Dear Overland Road, LLC:

Subject: Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board Cannabis Cultivation Policy Cannabis General Water Quality Certification, and Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements

File: Overland Road, LLC Property Water Quality Certification for Humboldt County APN 217-271-002-000; WDID No. 1B22067CHUM; Place ID: 844232

This letter certifies conditional coverage under the above referenced General Water Quality Order (the Order) and compliance with the referenced Policy for the proposed project (Project) as described in the *Application: Discharges of Dredged or Fill Material to Waters of the State* (Application) for Overland Road, LLC (Applicant) prepared by Green Road Consulting. The Project, as referenced in this NOA includes only: decommissioning a 24-inch diameter culverted stream crossing, rock armoring at two culverted stream crossings, and realigning a 36-inch culverted stream crossing.

To comply with the Order and Policy, the Applicant must comply with all conditions of this NOA and documents referenced herein.

Any additional instream work beyond the scope of this NOA will require a new application and applicable fee which must be submitted to the Regional Water Board. This NOA does not certify the right to divert or store water, such activities require a valid water right from the Division of Water Rights. To determine if a water right is needed please contact the Division at: CannabisReg@waterboards.ca.gov with any associated questions.

Background

On July 1, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application for enrollment from the Applicant to comply with the terms of, and obtain coverage under the Order for discharges of waste associated with cannabis cultivation and proposed work outside of waters of the State at Humboldt County assessor parcel number (APN) 217-271-002-000 (the Property). To conduct the work proposed in the Application and comply with the Order, the Project requires coverage under the General Water Quality Certification section of the Policy. On May 12, 2022, the Regional Water Board received the Application containing Project details and requesting coverage under and consistent with the General Water Quality Certification included in Attachment A of the Policy. The appropriate General Water Quality Certification Application Fee was received on May 20, 2022.

The Application provides information related to the Project location, description, environmental need, design criteria, assessment of Project area flora and fauna, monitoring and reporting plans, and environmental protection measures. The Project activities, environmental protection measures included therein, and requirements included as Attachment A of the Policy (https://www.waterboards.ca.gov/water_issues/programs/cannabis/), are considered enforceable components of this NOA. Coverage under this General Water Quality Certification requires an annual fee to be paid until the instream work and associated monitoring have been completed and the Regional Water Board has issued a Notice of Termination.

Project Description and Scope

The four instream work locations identified in the Application are collectively referred to as the Project in this NOA. The instream work location naming convention from the Application is used in the descriptions below for consistency. The Project includes instream work locations within the Upper Larrabee Creek hydrologic unit (HUC 180101050601, Hydrologic Sub-Area 1111.130102) of the Lower Eel River watershed. The total area of disturbance to streambeds and banks associated with the Project is estimated to be 404 square feet. There are approximately 320 square feet and 60 linear feet of temporary impacts and 84 square feet and 14 linear feet of permanent impacts to streambeds and banks associated with the Project.

Instream work at Crossing No. 1 consists of realigning a 36-inch diameter culverted stream crossing with the natural channel by excavating and reinstalling the culvert, and rock armoring the inlet. Instream work at Crossing Nos. 4 and 5 consists of installing rock armor at the outlet of two 24-inch diameter culverted stream crossings. Instream work at Crossing No. 7 consists of decommissioning a 24-inch diameter culverted stream crossing by excavating and restoring the stream channel.

Based on the extent of the impacts associated with the Project, the Applicant will receive an annual invoice under the Low Impact Discharges Fee Category. The

proposed scope of the Project does not exceed what is allowed for coverage under the Order and is in compliance with one or more of the following categorical exemptions of the California Environmental Quality Act (CEQA): California Code of Regulations, title 14, section 15308 (regulatory actions for environmental protections); section 15301 (ongoing or existing projects) and section 15304 (minor alterations to land).

Required Project Design Features

The Project includes revegetation of eroded and denuded streambanks immediately following the completion of work. The reduction of sediment discharges and threatened discharges as a result of appropriate design and construction of the stream crossings account for a portion of the work needed to offset the permanent impacts associated with completing the Project. Completion of the Project will result in 404 square feet and 74 linear feet of enhancement to impacted stream channels. Specific Project design features and impact dimensions are described in the Application.

Monitoring Plan

Monitoring of physical stream parameters (e.g., vegetation, signs of erosion or sedimentation, stream stability, and stream flow capacity) will be conducted both before and after Project implementation. Pre-Project monitoring was conducted by the Applicant and Green Road Consulting. Post-Project monitoring shall occur annually and be submitted annually to the Regional Water Board by January 31st of each year. Monitoring will be conducted and recorded by the Applicant and shall include photo documentation of each instream work location with associated notes on plant survival and vigor, stream stability, and signs of bed and bank erosion. At least five years of post-Project monitoring shall be provided until a minimum of 85 percent survival rate is achieved.

Following the completion of each seasonal work period, an annual report shall be submitted to all appropriate agencies (County, Army Corps of Engineers, Regional Water Board, and California Department of Fish and Wildlife). This annual report shall include findings that result from pre- and post-Project monitoring. These findings shall indicate the achievement of performance standards and include the following information:

- Summary of findings
- Identification and discussion of problems with achieving performance standards
- Proposed corrective measures as needed (requires Regional Water Board approval prior to implementation)

All other monitoring requirements, pursuant to the Order, Policy, and proposed in the Application shall be followed in addition to the requirements listed above.

Project Reporting

Monitoring reports shall be submitted at a minimum annually by January 31st of each year, until the monitoring period is over, documenting the achievement of performance standards and project goals.

In addition, a Notice of Completion (NOC) shall be submitted by the Applicant no later than 30 days after the Project has been completed. A complete NOC must include, at a minimum: photographs with a descriptive title, the date each photograph was taken, the name of the photographic site, the WDID number indicated above, and success criteria for the Project. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the Application and this NOA. Please note that the Applicant will continue to get billed an annual fee until the monitoring and reporting period has finished, the success criteria have been achieved, and the Regional Water Board has terminated this NOA.

Notice of Applicability & Project Determination

Regional Water Board staff has determined that the proposed activities as described in the Application qualify for coverage and may proceed under the Order so long as the Applicant complies with the conditions prescribed in this NOA, the Order, and the Policy. Approval of this Project requires revegetation of eroded or denuded stream banks, as described in the Application and prescribed in the Required Project Design Features section above.

Please include the Project name and WDID number with all future inquiries and document submittals. Document submittals shall be made electronically to: NorthCoast.Cannabis@waterboards.ca.gov and include "Overland Road, LLC Water Quality Cert WDID 1B22067CHUM" as part of the subject line.

Please contact staff at NorthCoast.Cannabis@waterboards.ca.gov or 707 576-2676 if you have any questions.

Sincerely,

Matthias St. John
Executive Officer

Original to:

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robin@greenroadconsulting.com

cc:

California Department of Fish and Wildlife, ryan.bourque@wildlife.ca.gov

Humboldt County, PlanningBuilding@co.humboldt.ca.us

US Army Corps of Engineers, CESPN-Regulatory-Info@usace.army.mil

Jennifer Siu, US Environmental Protection Agency, Siu.Jennifer@epa.gov

State Water Resources Control Board, DWQ.Cannabis@waterboards.ca.gov

North Coast Regional Water Quality Control Board, ermias.berhe@waterboards.ca.gov

Green Road Consulting, breitenstein.steven@gmail.com